

A meeting of the New Hampshire Water Well Board was held on June 3rd, 2004 at 9:30 am, in rooms 111& 112, 29 Hazen Drive, Concord, NH, 03302.

Present were: Terrell Swain, Chairman

Rene Pelletier, Secretary

Board members: Peter Caswell, Christopher Covell, Bart Cushing, and Jeffrey Tasker.

Staff: Rick Schofield and Tim Wilson.

Chairman Swain brought the meeting to order at 9:40 and welcomed visitors and introduced members of the Board.

Approval of Minutes

Upon motion by Mr. Pelletier, seconded by Mr. Cushing, the Board voted unanimously to accept the Minutes of the April 1st, 2004 meeting.

Administrative Hearing:

Walton & Sansoucie / Young Bros. Pump Co., Inc

Chairman Swain opened the hearing.

Mr. Schofield stated that at the last meeting and administrative hearing, the parties had reached a tentative settlement agreement whereby; the complainants would pay \$500 dollars for pump repair work by Young Brothers Pump Company and in return, Kingston Well and Pump would extend the warranty on the existing pump for 5 years from the date of original installation, September 24, 2001. Mr. Young was given 30 days to write the agreement.

Ms. Walton & Mr. Sansoucie contacted Mr. Schofield on May 3rd stating that no contract had been received from Mr. Young and that they wished to withdraw from the agreement. On May 13th Mr. Schofield was able to contact Mr. Young who said that his father was sick and had forgotten to draft the agreement. Mr. Young stated that he would be willing to withdraw the stipulation of payment from the agreement. Mr. Schofield spoke with Diana Walton on May 14th who seemed pleased with Mr. Young's offer and said she would discuss the offer with Mr. Sansoucie. In another conversation with Mr. Sansoucie, Mr. Schofield was informed that the complainants had decided that they would not be using the proposed warranty and that they would seek another pump company to conduct any further service. Mr. Schofield added that in his most recent conversation with Mr. Young, the licensee stated he had made numerous attempts to contact the complainants by phone and received no response to his messages.

Ms. Walton & Mr. Sansoucie were not present at the hearing.

Several Board members expressed frustration at the outcome given the amount of effort that had been put forth by Mr. Schofield and the Board. Mr. Covell expressed the wish to make note of the lack of follow through by Mr. Young for future reference. Mr. Cushing added that any business would have sent a letter within the time frame given.

Upon motion by Mr. Covell and seconded by Mr. Pelletier, the administrative hearing was closed by unanimous vote.

Chairman Swain asked that staff send a letter to both parties stating that the Hearing is closed.

Mr. Young asked the Chairman to address the Board. The request was granted.

Mr. Young informed the membership that he had tried to contact the complainants many times and had received no response. He also stated that upon further investigation, his company actually installed 400 feet of #8 wire with the original installation.

Complaint

Mitchell/Colonial Plumbing and Heating

Mr. Schofield stated that Charles and Kathryn Mitchell had filed a complaint against Colonial Plumbing and Heating ("Colonial") on April 22nd, 2004. The Board received a response to the complaint by Donald Benedict of Colonial on May 28th. Mr. Schofield provided an overview of the complaint. Colonial was hired by the Mitchell's on March 15th to service their water system and restore water to their home. A technician from colonial inspected the well and said that the system had to be replaced including the pump, the water tank and the pressure switch. Colonial replaced a 6 month old ½ HP pump with a new ¾ HP pump. They replaced a one day old 62 gallon tank purchased by the Mitchell's with another 62 gallon tank along with related wiring and piping. The next day the Mitchell's experienced a no water situation and contacted Colonial again who came and determined that the well was out of water. The next day Mr. Mitchell observed that all the snow was melted away from the well head and water was coming up from around the well casing. Colonial responded to their ensuing call and they were told that the water service line between the house and the well had to be replaced. The Mitchell's hired a different contractor to replace the pitless adaptor which is where the leak was found. The Mitchell's believe that the lack of water was due solely to the leak at the pitless adaptor and not the replaced pump and water system components, ultimately a misdiagnosis.

Mr. Schofield stated that he visited the property on May 11th and found several violations of the well code to which NHDES is following up with a letter of deficiency. He listed the violations.

Mr. Tasker questioned the need to replace a 6 month old pump. Mr. Cushing asked who did the original replacement and pointed out that the code violations were not addressed at that time either.

Chairman Swain called Charles and Kathryn Mitchell to the table.

The Mitchell's explained that the ½ hp pump was installed by a plumber "friend" they knew. Mr. Schofield clarified that without a pump installer's license a plumber cannot replace a pump.

Mr. Mitchell reconciled the prices he had paid for individual system components against the charges he had received from Colonial for the same components. The Mitchell's felt strongly that they were taken advantage of by Colonial with regard to the unnecessary equipment installed and charges invoiced

totaling \$3,286. As a result of the complaint letter sent to Colonial by the Mitchell's, they were reimbursed \$2,086. The cost of fixing the actual problem was only \$300. They expressed concern that other people would be taken advantage of by the company if they didn't file the complaint.

Mr. Pelletier asked Mr. Mitchell if he was reconsidering his agreement with Mr. Benedict. Mr. Mitchell said that he was not. He had received a new pump, tank, piping and filter and he felt that \$1,200 was a fair price for what he received.

Chairman Swain suggested that at a minimum the Board should invite Mr. Benedict to the next meeting to discuss the complaint given the statements made by the Mitchell's. Other members of the Board agreed. Mr. Cushing requested that the Mitchell's submit an itemized invoice from Colonial for use in future discussion and to draft a letter explaining how they came to the \$1,200 settlement. He added that the letter sent to the Board by Mr. Benedict only indicated that a settlement had been reached but no further explanation was given. Mr. Schofield mentioned that he had only received the letter the day before the meeting and had tried to contact Mr. Benedict by telephone but had to leave a message on his answering machine.

Finally, in response to the Chairman's inquiry, Mr. Mitchell explained that none of the work was actually conducted by Mr. Benedict but rather two separate technicians from Colonial. Mr. Benedict became involved after the original complaint was sent.

The Mitchell's were dismissed from the table.

Staff was directed to send a letter to Mr. Benedict requesting his attendance at the next meeting.

Licensing

New Applicants

The membership reviewed a list of new license applicants. None of the new applicants were identified for further inquiry by the Board.

Mr. Cushing commented that it was very important that the Board conducts these reviews, that it is extremely helpful to have all of the information available for review, and commended staff in their efforts.

Continuing Education

Mr. Schofield reported that seven seminars have been held so far with Mark Hilbert, Senior Electrical Inspector for the State of NH. One seminar remains at Hartley Well drilling in Chocorua. He also expressed that the course offered by Mr. Hilbert has been invaluable to the attendees in its content. He proposed that all licensees be required to attend the course. Approximately 240 licensees have attended over the years out of about 400 total licensees. The membership discussed several ways in which the course could be made available, however, some of the membership felt that statutorily the Board could not mandate the content of continuing education courses. Staff disagreed. There was further discussion on opportunity for continuing education, the quality of content and review of training subject matter by

the staff or the Board. It was suggested that the Board could use mandatory attendance of Mark Hilbert's seminar as an enforcement action for violators. Mr. Pelletier added that a letter suggesting licensees attend the class should be sent out. Chairman Swain noted that enormous progress has been made in the industry since continuing education has become a requirement and feels that the current system is working fine. He agreed that electrical knowledge is a weak area in the industry but progress in being made and the Board has the power to deal appropriately with deficient workmanship. Mr. Cushing commented that a letter of deficiency to a contractor goes a long way in providing incentive for better workmanship in a geographic area.

Mr. Schofield solicited ideas from Board members for next years continuing education topics for pump installers, suggesting that pump troubleshooting be one area of focus. Mr. Caswell felt that a well driller ought to teach a class for pump installers on the construction of wells. Mr. Cushing recommended a course on backflow prevention on water conditioners and installation, and for overflow line backflow prevention on drilled wells. Chairman Swain suggested that Board members send any other ideas to Mr. Schofield and a full list could be presented at the next Board meeting.

Renewals

Mr. Schofield reported that renewals had been sent out at the beginning of May and he will be writing a newsletter to mail out with the licenses to be mailed out at the end of July. He asked that the membership provide him with suggestions on topics to be covered. Suggestions brought forth included articles on turtle well caps for grounding purposes, code requirements for hydrofracturing, bedrock well design and fracture intercepts and special methods of construction in nonconforming locations. Mr. Covell offered to help with the article on bedrock well design.

Old Business

Reporting Compliance

At the April 1st, 2004 meeting Mr. Cushing requested that staff follow up on reporting compliance for those individuals that were put on probation for two years. Specifically Valley Artesian Well Co, Gordon Furbish Well Drilling, K Beebe Inc, and Roth Artesian Well Co.

Staff provided the membership with a report of the well completion reports submitted by each licensee. The membership discussed the four companies and their activity deciding that a letter should be sent to each reminding them that they are half way through the 2 year probationary period, beginning June 1st, 2003, and request a status report on their compliance. Mr. Covell suggested that the responses be notarized and signed under penalty of law. Mr. Cushing also requested that the letter reference pump installation activity, not just well construction. Mr. Mackey noted that of the four companies, K Beebe Inc let his pump installer and drilling license lapse and had been sent reminders. Some members felt he may have been operating without a license. The membership discussed enforcement action possibilities for licensees who continue with deficient workmanship and/or reporting non-compliance.

The full list of licensees was reviewed and several companies were identified to be contacted with respect to reporting compliance.

Mr. Mackey suggested amending the renewal form to include how many wells the license holder had drilled the previous year. Mr. Pelletier urged that the Board set a policy on how to deal with offenders because currently there is little to no consistency in enforcement. Proportionally increasing enforcement actions with repeat offenders is critical. Specifically with non-reporting, first time offenders should get a letter with 30 days to comply (future violations will result in administrative fines and/or other enforcement action), 2nd offense they should get a \$100 fine per report and in the case of a third offense the license should be suspended and or revoked.

Mr. Cushing made a motion that Mike Kriester of Kriester Artesian Well be given 30 days to submit any outstanding well reports and any future violations of non-reporting will result in administrative fines. Mr. Covell seconded the motion and the Board voted unanimously in favor.

It was recommended that at the next meeting, the enforcement policy on reporting compliance be reviewed.

New Business

Yield Test for Point Wells

Mr. Schofield asked the membership if it is reasonable expect a licensee to obtain a yield test in point well construction. Mr. Tasker stated that a yield test is easy to conduct and sees no reason why that information shouldn't be included on reports. Mr. Schofield stated that in the future, well reports for point wells will be sent back as incomplete if they have no yield test information.

Well Maintenance Rule We 603.01(c)

Mr. Schofield reported that We 603.01(c) as written, referring to We 603.01 (b) (the requirement for sealed caps), does not require a well cap to be replaced with a sealed cover that meets current code when a new pump is installed. He suggested the rule be repealed at the next rulemaking. The Board agreed by majority that the rule should be repealed.

Staking the Well Location

Mr. Schofield asked of the membership, who actually stakes the well location on the job site. This question was raised by a water well contractor's technician responsible for siting wells.

In the case of new construction, it is common practice to consult with the general contractor using the site plan to determine the site for staking. The site is a joint decision. For replacement wells, a joint decision is also made but information provided by the property owner is heavily relied upon for knowledge of property lines and septic locations.

Second Party Well Reports

Mr. Caswell stated that they have found and serviced many wells where a report was never filed or it predated the reporting requirement. He wanted to know if, as a second party it was reasonable to file a well report with as much data as possible and identify that the original driller is not known. It was the consensus of the Board that this would be acceptable.

Flowable Fill

Mr. Schofield reported that a contractor called him to inquire about the suitability of “Flowable Fill” as a material for decommissioning wells. Mr. Schofield listed the general constituents of the material and its uses from an information sheet provided by the manufacturer, Carroll Concrete. The membership agreed that an MSDS sheet would be needed, and that it must be NSF approved. Staff was asked to send a letter requesting more information on the product before approving it as a decommissioning material and that if it is not NSF approved that well decommissioning be removed from Carroll Concrete’s list of uses.

Other New Business

Mr. Schofield asked the Board if a pump installer’s license was required to install a pressure tank. After reviewing the statute, RSA 482-B:2, the Board agreed that a pump installer’s license was required.

The meeting was adjourned.

Rene Pelletier
Water Well Board Secretary